

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 21, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-35945 – EXTENSION OF TIME – VARIANCE –**

**APPLICANT: DON F. AHERN - OWNER: DFA, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Variance (VAR-14320) will expire on July 12, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval of the Variance (VAR-14320) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The site has several related entitlements for a commercial development including a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage. Since the approval of the Variance (VAR-14320), the applicant was issued permits #98452, #103189, and #103181 for the demolition of existing structures on the property, but since that time, no new permits for the proposed project have been issued. Plan Check #29391-C-08 was submitted on 08/11/08 for two buildings, a trash enclosure, onsite improvements, and grading, which recently received a second 180-day extension of time beginning 09/09/09 to enable the applicant to address concerns by various departments. An Extension of Time (EOT-30017) for the Variance (VAR-14320) was approved on 12/03/08 with an expiration date of 10/04/09. The applicant is requesting an additional extension of time due to the poor economic conditions within Las Vegas. Staff is recommending approval with an expiration date of July 12, 2011 to align with related entitlements for the proposed project.

It is noted that there are four (4) related Extension of Times (EOT-35950, EOT-35951, EOT-35952, and EOT-35956) that will be heard concurrently with this application.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
07/21/71	The Board of City Commissioners approved a request for a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) of property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place. The Planning Commission recommended approval on 07/08/71.
06/28/94	The Board of Zoning Adjustment approved a request for a Variance (V-0086-94) to allow residential security living quarters where such use is not permitted at 1724 West Bonanza Road.
12/01/98	The Board of Zoning Adjustment approved a request for a Variance (V-0082-98) to allow a zero-foot front, rear, and side setback where 50, 10, and 35 are required for a commercial development located at 1824 West Bonanza Road and 612 Clarkway Drive.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/21/98	The City Council approved a request to amend a portion of the West Las Vegas Plan (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) on property located at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 07/23/98.
	The City Council approved a related request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 15,436 square-foot Building Maintenance Service and Sales.
01/11/99	The City Council approved a request for a Petition to Vacate (VAC-0048-98) a portion of Clarkway Drive north of Bonanza Road. The Planning Commission recommended approval on 12/03/98.
05/21/03	The City Council approved a request for Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) of property located at 1722 West Bonanza Road. The Planning Commission recommended approval on 04/24/03.
	The City Council approved a related request for a Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development.
01/29/04	A Code Enforcement case (9287) was processed for the outside storage of concrete barriers stocked against an apartment building to the east of the property at 1816 West Bonanza Road. Code Enforcement closed the case on 02/04/04.
0/24/06	A Code Enforcement case (38662) was processed for Ahern Rentals making residential property into a parking lot at 612 Clarkway Drive. Code Enforcement closed the case on 06/19/06.
03/14/06	Code Enforcement cases (29206 and 39205) were processed for employees at Ahern Rental using a property zoned for residential use as a parking lot at 1804 and 1824 West Bonanza Road. Code Enforcement closed the cases on 10/15/06.
03/24/06	Code Enforcement cases (39562, 39564, and 39563) were processed for the properties at 1724, 1812, and 1816 West Bonanza Road being paved and used as a parking lot for employees when zoned for residential use. Code Enforcement closed the cases on 10/18/06.
04/05/06	The City Council approved a request for a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808, 1812, 1816, and 1824 West Bonanza Road. The Planning Commission recommended approval on 02/09/06.
05/17/06	The City Council approved a request to change the Future Land Use Designation (GPA-9219) to Commercial, Mixed-Use, Industrial or Public Facilities on various parcels located within the Las Vegas Redevelopment Plan and expansion area. The Planning Commission recommended approval on 04/13/06.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/25/06	The Planning Commission approved a request to Appeal the Director's decision to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive.
07/24/06	A Code Enforcement case (44795) was processed for the applicant violating conditions #2, 3, 6, and 7 of DIR-11779. Code Enforcement closed the case on 10/18/06.
10/04/06	The City Council approved a request for a Site Development Plan Review (SDR-13833) for a proposed Rental Store with outside storage; a 99,000 square-foot covered storage area; a 21,600 square-foot Auto Repair Garage, (Major); a 25,200 square-foot Hardware Store and waivers of perimeter landscape buffer and wall design requirements at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 09/07/06.
	The City Council approved a related request for a Special Use Permit (SUP-13836) for a Rental Store with outside storage.
	The City Council approved a related request for Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
	The City Council approved a related request for a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed.
07/12/07	The Planning Commission approved a request for a Major Amendment (SDR-22206) to a previously approved Site Development Plan Review (SDR-13833) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required along the south property line at the northeast corner of Bonanza Road and Clarkway Drive.
	The Planning Commission approved a related request for a Variance (VAR-22723) to allow a wall to contain no contrasting material where 20 percent contrasting material is required.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
08/15/07	The City Council approved a request for a Review of Condition #6 of a previously approved Rezoning (ZON-13837) that required construction of all half-street improvements on Bonanza Road and Clarkway Drive along with the removal of all substandard public street improvements and unused driveway cuts for replacement with new improvements constructed to current City standards. The Planning Commission recommended approval on 07/12/07.
12/03/08	The City Council approved a request for an Extension of Time (EOT-30014) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive.
	The City Council approved a related request for an Extension of Time (EOT-30016) of a previously approved Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related request for an Extension of Time (EOT-30017) of a previously approved Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related request for an Extension of Time (EOT-30019) of a previously approved Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related request for an Extension of Time (EOT-30020) of a previously approved Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
01/07/09	The City Council approved a request for a Required Review (RQR-30432) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 12/04/08.
04/23/09	The Planning Commission approved a request for a Variance (VAR-33415) to allow a 10-foot tall wall where eight feet is the maximum allowed along a portion of the north and east property line and to allow unfinished block where decorative block with 20 percent contrasting materials is required; and to include the addition of an eight-foot high wrought iron fence along the south perimeter where five feet is the maximum allowed at 1726 West Bonanza Road.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/16/09	The City Council approved a request for an Extension of Time (EOT-34971) of a previously approved Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 08/13/09.
	The City Council approved a related request for an Extension of Time (EOT-34972) of a previously approved Site Development Plan Review (SDR-22206) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required.
<b><i>Related Building Permits/Business Licenses</i></b>	
08/19/05	A building permit (49300) was issued for the demolition of a single-family residence at 1816 West Bonanza Road. The building has been demolished.
04/17/06	A business license (A07-00648) was issued for an Apartment complex at 1804 West Bonanza Road. The license is still active.
08/15/06	A building permit (71003) was issued for grading at 1798 West Bonanza Road. The permit was finalized on 08/15/06.
01/22/07	A business license (L33-00898) was issued for Lawn Maintenance at 1804 West Bonanza Road (Home Occupation Permit). The license is still active.
06/02/07	A building permit (92357) was issued for an engineered wall at 1798 West Bonanza Road. The permit was finalized on 11/30/07.
09/21/07	A building permit (98452) was issued for the demolition of a building at 1808 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103189) was issued for the demolition of an 800 square-foot residence at 1812 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103181) was issued for the demolition of a 1000 square-foot residence at 1814 West Bonanza Road. The building was demolished.
08/11/08	Plan Check 29391-C-08 was submitted for two buildings, onsite improvements, a trash enclosure, and grading. The expiration date for the plans received a second 180-day extension beginning 09/09/09.
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required for this type of application, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this type of application, nor was one held.	
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	20.53

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Proposed Commercial Development	MXU (Mixed-Use) and C (Commercial)	C-2 (General Commercial)
North	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
South	Equipment Rental with Outside Storage	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
East	Condominiums and Single-Family Residences	MXU (Mixed-Use)	R-3 (Medium Density Residential) and R-E (Residence Estates)
West	Undeveloped Land and Single-Family Residences	MXU (Mixed-Use)	R-E (Residence Estates)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Las Vegas Redevelopment Plan	X		Y
West Las Vegas Plan	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District (140 feet)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This is the second request for an Extension of Time for a previously approved Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard-building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive. Three permits (#98452, #103189, and #103181) were issued for the demolition of existing structures on the property, but since that time, no new permits for the proposed project have been issued. Plan Check #29391-C-08 was submitted on 08/11/08 for the construction of two buildings, a trash enclosure, onsite improvements, and grading. The Plan Check was recently extended for 180-days to enable the applicant to address the concerns of various departments.

Title 19.18.070 deems a Variance exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.



## **FINDINGS**

The Variance (VAR-14320) has not met the requirements outlined in Title 19.18.070 to exercise the entitlement as building permits and/or business licenses have not yet been issued for the new commercial development. The applicant is requesting an extension of time due to poor economic conditions within Las Vegas. Staff is recommending approval of this request with an expiration date of July 12, 2011 to enable the Variance (VAR-14320) to align with related entitlements for the proposed project. Conformance to the conditions of approval of the Variance (VAR-33415) shall be required.

<b><u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u></b>	N/A
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<b><u>ASSEMBLY DISTRICT</u></b>	N/A
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<b><u>SENATE DISTRICT</u></b>	N/A
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<b><u>NOTICES MAILED</u></b>	N/A
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<b><u>APPROVALS</u></b>	0
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<b><u>PROTESTS</u></b>	0
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